In the High Court of Punjab and Haryana, Chandigarh.

C.W.P. No.2371 of 2006

Date of Decision: 13.11.2006

Naresh Kumar …Petitioner.

Versus

State of Haryana & Another ...Respondents.

CORAM: HON'BLE MR. JUSTICE M.M.KUMAR
HON'BLE MR. JUSTICE M.M.S.BEDI

Present: Mr.Randhir Sharma, Advocate for the petitioners.

Mr.Harish Rathi, Senior Deputy Advocate General, Haryana, for respondents.

JUDGMENT

M.M.KUMAR, J.(ORAL)

In pursuance to the direction issued by this Court on 8.9.2006 directing the respondents to reconsider the case of the petitioner in view of the fact that he had rendered 30 years of service preceding his dismissal vide order dated 18.2.2005, the learned State counsel has placed on record a copy of the order dated 8.11.2006, perusal of which shows that instead of

dismissing the petitioner from service with effect from 18.2.2005, by reviewing the earlier order, he has now been retired compulsorily from Government service. The aforementioned direction was issued on account of the fact that the petitioner remained absent for the period from 2.9.2003 to 17.2.2005. It has further been made clear in the earlier order by the respondent that the period of absence from 2.9.2003 to 17.2.2005 is to be treated as extra ordinary leave. A copy of the order dated 8.11.2006 is taken on record as Mark 'A'.

Mr.Randhir Sharma, learned counsel for the petitioner, however, has pointed out that he has been occupying the official accommodation and there is apprehension that penal rent would be charged from the petitioner. Keeping in view the fact that the order of premature retirement has now been passed on 8.11.2006, we would appreciate if the respondent take into account the aforementioned date of the order of compulsory retirement and consider the prayer of the petitioner for not charging penal rent sympathetically.

In terms of the above observations, the petition stands disposed of.

(M.M.KUMAR)
Judge

November 13, 2006 **(M.M.S.BEDI)**
dkb **Judge**